



**TOWN OF HARPSWELL
PLANNING BOARD MINUTES
JUNE 15, 2005
APPROVED JULY 20, 2005**

MEMBERS PRESENT

John Papacosma, Chairman
Dorothy Carrier, Vice Chairman
Joanne Rogers
Henry Korsiak
George Swallow
Kenneth Cichon, Associate Member

MEMBERS ABSENT

STAFF PRESENT

Jay Chace, Planner
Marsha Hinton, Recording Secretary

The Town of Harpswell Planning Board meeting being duly advertised in the Times Record was called to order at 6:30 p.m. by John Papacosma, Chairman.

John Papacosma reviewed the site visits held on June 13, 2005 stating the entire Planning Board as well as the Town Planner were in attendance.

OLD BUSINESS

No old business.

NEW BUSINESS

ITEM 1

05-06-01 WAYNE & CHRISTINA WEEKS, APPROVAL OF LAND USE IN THE SHORELAND ZONE, CONSTRUCTION OF A SINGLE FAMILY DWELLING, RESOURCE PROTECTION, TAX MAP60-12, BETHEL POINT ROAD, HARPSWELL.

Wayne Weeks explained the proposal to construct a single family dwelling in the resource protection zone. Mr. Weeks stated the reasons for the septic system location, the location of the house, the driveway and the size of the footprint. Mr. Weeks described the surrounding wetlands and floodplains.

Jay Chace, Town Planner, stated the lot is entirely within the resource protection district and the footprint of the structure is within the 1500 square foot requirement. Mr. Chace directed the Planning Board's attention to the septic easement.

The Planning Board discussed the applicant's compliance with Shoreland Zoning Ordinance § 13.1.1, location of the house, and the driveway.

JOANNE ROGERS MOVED, SECONDED BY DOROTHY CARRIER, TO FIND THAT THE APPLICATION MEETS THE REQUIREMENTS OF § 13.1.1 SPECIAL EXCEPTIONS AS THERE IS NO LOCATION ON THE PROPERTY OTHER THAN THE RESOURCE PROTECTION DISTRICT WHERE THE STRUCTURE CAN BE BUILT; THE LOT ON WHICH THE STRUCTURE IS TO BE BUILT IS UNDEVELOPED AND HAD BEEN ESTABLISHED AND RECORDED BEFORE THE ADOPTION OF THE RESOURCE PROTECTION DISTRICT; THAT THE PROPOSED LOCATION OF BUILDINGS, SEWAGE DISPOSAL SYSTEMS, AND OTHER IMPROVEMENTS ARE LOCATED ON NATURAL GROUND SLOPES OF LESS THAN 20 % AND

THE PROPERTY IS ON A SLOPE LESS THAN 20%; THE PROPOSED LOCATION IS OUTSIDE THE FLOODPLAIN ZONE; THE TOTAL GROUND AREA IS PROPOSED TO BE SLIGHTLY LESS THAN 1500 SQUARE FEET; AND THAT THE PROPOSAL MEETS THE SETBACK TO THE GREATEST PRACTICAL EXTENT.

UNANIMOUS APPROVAL

Planning Board consideration of Section 13.4.7 of the Basic Land Use Code

13.4.7.1 Will maintain safe and healthful conditions.

JOHN PAPACOSMA MOVED, SECONDED BY JOANNE ROGERS THAT THE APPLICANT HAS PROPOSED TO MAINTAIN SAFE AND HEALTHFUL CONDITIONS.

UNANIMOUS APPROVAL

13.4.7.2 Will not result in water pollution, erosion, or sedimentation to surface waters.

JOANNE ROGERS MOVED, SECONDED BY HENRY KORSIAK TO FIND THAT THE APPLICANT MEETS THE REQUIREMENTS OF 13.4.7.2 AND HAS SUBMITTED INFORMATION THAT CONFIRMS THAT THE PROJECT WILL NOT RESULT IN WATER POLLUTION, EROSION OR SEDIMENTATION TO SURFACE WATERS.

UNANIMOUS APPROVAL

13.4.7.3 Will adequately provide for the disposal of all wastewater.

JOHN PAPACOSMA MOVED, SECONDED BY DOROTHY CARRIER, TO FIND THAT THE APPLICANT HAS MEET THE REQUIREMENTS OF § 13.4.7.3 WITH THE APPROVAL OF A SUBSURFACE WASTE WATER SYSTEM BY THE CODE'S ENFORCEMENT OFFICE.

UNANIMOUS APPROVAL

13.4.7.4 Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat.

DOROTHY CARRIER MOVED, SECONDED BY HENRY KORSIAK TO FIND THAT THE APPLICANT MEETS THE REQUIREMENTS OF § 13.4.7.4 HAVING SUBMITTED TWO TESTIMONIES REGARDING THE ISSUE EACH INDICATING THAT THERE ARE NO SPECIAL OR ENDANGERED HABITAT ON SITE.

UNANIMOUS APPROVAL

13.4.7.5 Will conserve shore cover and points of access to inland and coastal waters.

JOHN PAPACOSMA MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE REQUIREMENTS OF §13.4.7.5 HAVE BEEN MET BECAUSE THIS APPLICATION WILL NOT INHIBIT SHORE COVER OR ACCESS TO THE SHORELINE BECAUSE THIS DOES NOT APPLY IN TERMS OF THIS SITE.

UNANIMOUS APPROVAL

13.4.7.6 Will protect archaeological and historic resources as identified in the Town's Comprehensive Plan, or by the Maine Historic Preservation Commission or the National Park Service.

JOHN PAPACOSMA MOVED, SECONDED BY DOROTHY CARRIER, THAT THIS APPLICATION COMPLIES WITH THE REQUIREMENTS OF § 13.4.7.6 IN THAT THERE ARE NO KNOWN ARCHAEOLOGICAL OR HISTORICAL RESOURCES IDENTIFIED IN THE TOWN'S COMPREHENSIVE PLAN OR ON THE NATIONAL PARK SERVICE LIST.

UNANIMOUS APPROVAL

13.4.7.7 Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries I or II District

JOHN PAPACOSMA MOVED, SECONDED BY DOROTHY CARRIER THAT THE REQUIREMENTS OF § 13.4.7.7 ARE MET IN THAT THIS PROPOSAL IS DISTANT FROM OPEN WATERS AND SHOULD NOT ADVERSELY AFFECT THE MARITIME ACTIVITIES.

UNANIMOUS APPROVAL

13.4.7.8 Will avoid problems associated with flood plains development and use.

JOHN PAPACOSMA MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE REQUIREMENTS OF § 13.4.7.8 ARE MET IN THAT THERE IS DOCUMENTATION THAT THE LOCATION IS OUTSIDE OF THE FLOODPLAIN ZONE.

UNANIMOUS APPROVAL

13.4.7.9 Is in conformance with the provisions of Section 15, Land Use Standards of the Shoreland Zoning Ordinance.

Jay Chace, Town Planner, reported the removal of vegetation within the 75' setback area that is in violation of §15.14 Timber Harvesting. Mr. Chace suggested that the Planning Board condition the approval upon the applicant submitting an acceptable re-vegetation plan to the Codes Office prior to the Codes Office granting a building permit to address this violation of the ordinances.

JOANNE ROGERS MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT PRIOR TO THE CODES OFFICE ISSUING THE BUILDING PERMIT, AND THEREFORE PRIOR TO ANY WORK BEING ALLOWED ON SITE, THE WEEKS MUST SUBMIT A VEGETATION PLAN FOR REVIEW AND APPROVAL BY THE CODES OFFICE.

UNANIMOUS APPROVAL

JOHN PAPACOSMA MOVED, SECONDED BY JOANNE ROGERS TO FIND THAT THE APPLICANT HAS MEET THE REQUIREMENTS OF HARPSWELL SHORELAND ZONING ORDINANCE § 13.1.1 AND THE BASIC LAND USE ORDINANCE § 13.4.7 WITH THE CONDITION THAT A REPLANTING PLAN BE SUBMITTED FOR REVIEW AND APPROVAL BY THE CODES OFFICE BEFORE ISSUANCE OF A BUILDING PERMIT.

UNANIMOUS APPROVAL

ITEM 2

05-06-02 GREAT ISLAND BOAT YARD (GREAT WINGS REALTY, INC. OWNER), SITE PLAN REVIEW, CONSTRUCTION OF BOAT STORAGE BUILDING AND OUTSIDE STORAGE LOT, SHORELAND BUSINESS, TAX MAP 48-52, 419 HARPSWELL ISLANDS ROAD, HARPSWELL.

Frank Kibbe, applicant, described the proposal to build a 60 x 120 foot boat storage building and storage lot. Mr. Kibbe informed the Planning Board that since Great Island Boat Yard has moved into this site they have received the designation as a clean marina and that the clam flats have been opened. Mr. Kibbe pointed to the removal of an existing over board discharge system and the installation of a new septic system. Mr. Kibbe explained that while he still allows customers to work on their boats, he is not taking any new customers who will be working on their boats and therefore is reducing opportunities for pollution by attrition.

John Papacosma, Chair, opened the floor to members of the public who wished to comment on this agenda item and entered a letter from an abutter into the public record.

None being seen, John Papacosma, Chair, closed the public portion of the meeting.

The Planning Board discussed traffic circulation, emergency vehicle access, the letter from the abutter, septic system, parking, pollution, setbacks, the vote to amend Map 48 Lot 52 to be Shoreland Business District, vegetation and height of the structure.

Planning Board consideration of § 15 of the Site Plan Review Ordinance.

Section 15.1 Dimensional Requirements

JOANNE ROGERS MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE APPLICANT MEETS THE REQUIREMENTS OF §15.1 DIMENSIONAL REQUIREMENTS IN THAT LOT COVERAGE, SETBACK, STRUCTURE HEIGHT, AND FRONTAGE ALL ARE WITHIN THE ALLOWABLE STANDARDS.

UNANIMOUS APPROVAL

Section 15.2 Utilization of the Site

JOANNE ROGERS MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE APPLICANT HAS INDICATED THAT PROPER EROSION CONTROL MEASURES WILL BE USED; THAT RUN-OFF FROM THE PROPOSED BUILDING WILL BE CONTROLLED BY A STONE RIP-RAP STABILIZATION FEATURE AND THAT THE PROPOSAL ADEQUATELY REFLECTS THE NATURAL CAPABILITIES OF THE SITE.

UNANIMOUS APPROVAL

Section 15.3 Adequacy of Road Systems and Section 15.4 Access into the Site

JOANNE ROGERS MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE APPLICATION MEETS THE REQUIREMENTS OF § 15.3 AND §15.4 IN THAT THE ACCESS ROAD IS OFF HARPSWELL ISLANDS ROAD AND THAT ACCESS INTO THE SITE WILL NOT CHANGE AS A RESULT OF THIS PROPOSAL.

UNANIMOUS APPROVAL

Section 15.5 Access/Egress Way Location and Spacing

DOROTHY CARRIER MOVED, SECONDED BY JOANNE ROGERS TO FIND THAT THE APPLICATION MEETS THE REQUIREMENTS OF § 15.5 ACCESS AND EGRESS IN THAT THERE WILL BE NO CHANGE.

UNANIMOUS APPROVAL

Section 15.6 Internal Vehicular Circulation

JOHN PAPACOSMA MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE REQUIREMENTS OF §15.6 ARE MET AS THERE WILL BE NO CHANGE.

UNANIMOUS APPROVAL

Section 15.7 Parking

JOHN PAPACOSMA MOVED, SECONDED BY JOANNE ROGERS TO FIND THAT THE REQUIREMENTS OF § 15.7 ARE BEING MET BY THE APPLICANT AS THE SITE HAS ADEQUATE PARKING AND IS ADEQUATE TO MEET ANY INCREASE IN PARKING DEMAND.

UNANIMOUS APPROVAL

Section 15.8 Pedestrian Circulation

DOROTHY CARRIER MOVED, SECONDED BY GEORGE SWALLOW TO FIND THAT THE APPLICATION MEETS THE REQUIREMENTS OF § 15.8 BECAUSE THERE IS AMPLE OPPORTUNITY FOR PEDESTRIAN CIRCULATION.

UNANIMOUS APPROVAL

Section 15.9 Stormwater Management

JOHN PAPACOSMA MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE APPLICATION MEETS THE REQUIREMENTS OF § 15.9 IN THAT THE APPLICANT HAS DEMONSTRATED HIS PLAN TO MANAGE STORMWATER.

UNANIMOUS APPROVAL

Section 15.10 Erosion Control

JOHN PAPACOSMA MOVED, SECONDED BY DOROTHY CARRIER THAT THE APPLICATION MEETS THE REQUIREMENTS OF §15.10 EROSION CONTROL BECAUSE THE APPLICANT HAS DOCUMENTED IN THE APPLICATION THE METHODOLOGIES TO BE USED TO CONTROL EROSION.

UNANIMOUS APPROVAL

Section 15.11 Water Supply and Groundwater Protection

JOANNE ROGERS MOVED, SECONDED BY HENRY KORSIK THAT THE APPLICATION MEETS THE REQUIREMENTS OF § 15.11 WATER SUPPLY AND GROUNDWATER PROTECTION IN THAT APPLICANT HAS STATED THAT THEY WILL USE THE EXISTING WELL AND IF NEED WILL DRILL A SECOND WELL.

UNANIMOUS APPROVAL

Section 15.12 Subsurface Waste Disposal

JOHN PAPACOSMA MOVED, SECONDED BY DOROTHY CARRIER THAT THE APPLICANT MEETS THE REQUIREMENTS OF § 15.12 SUBSURFACE WASTE DISPOSAL BECAUSE THE SITE HAS AN EXISTING SYSTEM APPROVED BY CODES ENFORCEMENT THAT IS ADEQUATE FOR THE PROPOSED USE.

UNANIMOUS APPROVAL

Section 15.13 Utilities and Essential Services

JOHN PAPACOSMA MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE APPLICATION MEETS THE REQUIREMENTS OF § 15.13 BECAUSE THERE ARE EXISTING UTILITIES ON SITE AND LINKAGES WILL BE UNDERGROUND.

UNANIMOUS APPROVAL

Section 15.14 Natural Features and Buffering

JOHN PAPACOSMA MOVED, SECONDED BY DOROTHY CARRIER THAT THE APPLICANT HAS STATED THEIR INTENTION TO MINIMIZE THE PROJECT'S IMPACT ON THE NATURAL LANDSCAPE, A STAND OF TREES WILL REMAIN ALONG THE HARPSWELL ISLANDS ROAD, THE NORTHERLY PROPERTY BOUNDARY AND THE SHORELINE AND THEREFORE THE APPLICATION MEETS THE REQUIREMENTS OF § 15.14.

UNANIMOUS APPROVAL

Section 15.15 Lighting

JOHN PAPACOSMA MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE ADDITIONAL EXTERIOR LIGHTING WILL BE SHIELDED TO ELIMINATE ANY POTENTIAL HAZARDS AND THEREFORE THE APPLICATION MEETS THE REQUIREMENTS OF § 15.15.

UNANIMOUS APPROVAL

Section 15.16 Water Quality Protection

JOHN PAPACOSMA MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE APPLICANT HAS DEMONSTRATED THEY WILL CONTINUE TO USE BEST MANAGEMENT PRACTICES FOR THE DISPOSAL OF ALL HAZARDOUS MATERIALS AS EVIDENCED BY THEIR RECOGNITION AS A "CLEAN BOATYARD AND MARINA"; THAT THE FUEL SYSTEM IS REGULARLY INSPECTED AND WILL NOT CHANGE AS A RESULT OF THIS PROPOSAL AND THEREFORE MEETS THE REQUIREMENTS OF §15.16 WATER QUALITY PROTECTION.

UNANIMOUS APPROVAL

Section 15.17 Hazardous, Special and Radioactive Materials

JOHN PAPACOSMA MOVED, SECONDED BY JOANNE ROGERS TO FIND THAT GREAT ISLAND BOAT YARD WILL CONTINUE TO USE BEST MANAGEMENT PRACTICES FOR THE DISPOSAL OF ALL HAZARDOUS MATERIALS AND THEREFORE MEETS THE REQUIREMENTS OF §15.17.

UNANIMOUS APPROVAL

Section 15.18 Solid, Special and Hazardous Waste Disposal

JOHN PAPACOSMA MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT GREAT ISLAND BOAT YARD WILL CONTINUE TO USE BEST MANAGEMENT PRACTICES FOR THE DISPOSAL OF ALL HAZARDOUS MATERIALS AND THEREFORE MEETS THE REQUIREMENTS OF §15.18.

UNANIMOUS APPROVAL

Section 15.19 Historic and Archaeological Resources

DOROTHY CARRIER MOVED, SECONDED BY HENRY KORSIK THAT THE APPLICANT MEETS THE REQUIREMENTS OF § 15.19 HISTORIC AND ARCHAEOLOGICAL RESOURCES IN THAT A LETTER HAS BEEN SUBMITTED TO THE MAINE HISTORIC PRESERVATION COMMISSION FOR REVIEW OF THE PROJECT AND THERE HAS BEEN NO RESPONSE.

UNANIMOUS APPROVAL

Section 15.20 Floodplain Management

JOANNE ROGERS MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THIS STRUCTURE IS NOT IN A FLOOD ZONE AND THEREFORE § 15.20 IS NOT APPLICABLE.

UNANIMOUS APPROVAL

Section 15.21 Technical and Financial Capacity

DOROTHY CARRIER MOVED, SECONDED BY HENRY KORSIK TO FIND THAT THE APPLICATION HAS MET THE REQUIREMENTS OF § 15.21 TECHNICAL AND FINANCIAL CAPACITY BY SUBMITTING A LETTER OF SUPPORT FROM GARDINER SAVINGS BANK.

UNANIMOUS APPROVAL

JOANNE ROGERS MOVED, SECONDED BY HENRY KORSIK THAT THE APPLICANT MEETS THE REQUIREMENTS OF § 15 OF THE SITE PLAN REVIEW STANDARDS.

UNANIMOUS APPROVAL

Planning Board consideration of Section 13.4.7 of the Basic Land Use Code

13.4.7.1 Will maintain safe and healthful conditions.

JOHN PAPACOSMA MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE APPLICANT HAS STATED THAT THEY WILL USE BEST MANAGEMENT PRACTICES TO CONTROL RUN OFF, EROSION AND OTHER POTENTIAL IMPACTS AND THEREFORE MEETS THE REQUIREMENTS OF §13.4.7.1.

UNANIMOUS APPROVAL

13.4.7.2 Will not result in water pollution, erosion, or sedimentation to surface waters.

GEORGE SWALLOW MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE APPLICANT HAS MET § 13.4.7.2, § 13.4.7.3, § 13.4.7.6, AND § 13.4.7.8 OF THE BASIC LAND USE ORDINANCE BASED ON THE APPROVALS OF § 15 OF THE SITE PLAN REVIEW ORDINANCE ON JUNE 15, 2005, FOR GREAT ISLAND BOAT YARD BY THE PLANNING BOARD.

UNANIMOUS APPROVAL

13.4.7.3 Will adequately provide for the disposal of all wastewater.

See motion for §13.4.7.2.

13.4.7.4 Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat.

JOANNE ROGERS MOVED, SECONDED BY HENRY KORSIK TO FIND THAT THE APPLICANT MEETS THE REQUIREMENTS OF 13.4.7.4 AS HE IS PROPOSING TO LEAVE A STAND OF VEGETATION BETWEEN THE PROPOSED AREA AND THE SHORELINE AND THEREFORE WILL NOT HAVE ANY ADVERSE IMPACT ON SPAWNING GROUNDS, FISH, AQUATIC LIFE, BIRD OR OTHER WILDLIFE HABITAT.

UNANIMOUS APPROVAL

13.4.7.5 Will conserve shore cover and points of access to inland and coastal waters.

JOHN PAPACOSMA MOVED SECONDED BY DOROTHY CARRIER TO FIND THAT THE APPLICATION MEETS THE REQUIREMENTS OF § 13.4.7.5 IN THAT THERE WILL BE TREE LINES ON THE WATER SIDE, NORTH SIDE AND WEST SIDE AT THE PROPERTY THAT WILL MINIMIZE ANY VIEWS AND/OR IMPACT ON VEGETATION.

UNANIMOUS APPROVAL

13.4.7.6 Will protect archaeological and historic resources as identified in the Town's Comprehensive Plan, or by the Maine Historic Preservation Commission or the National Park Service.

See approval for § 13.4.7.2.

13.4.7.7 Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries I or II District

JOHN PAPACOSMA MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE PROPOSAL WILL NOT RESULT IN ANY GREATER IMPACT ON THE EXISTING FISHING ACTIVITIES IN COMMERCIAL FISHING I & II AND THE LOT IS NOW IN THE SHORELAND BUSINESS DISTRICT AND THEREFORE MEETS THE REQUIREMENTS OF § 13.4.7.7.

UNANIMOUS APPROVAL

13.4.7.8 Will avoid problems associated with flood plains development and use.

See approval for §13.4.7.2.

13.4.7.9 Is in conformance with the provisions of Section 15, Land Use Standards of the Shoreland Zoning Ordinance.

JOHN PAPACOSMA MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE APPLICATION MEETS THE SPACE AND BULK REQUIREMENTS OF § 15 OF THE SHORELAND ZONING ORDINANCE.

UNANIMOUS APPROVAL

JOANNE ROGERS MOVED, SECONDED BY DOROTHY CARRIER TO FIND THAT THE APPLICATION MEETS THE REQUIREMENTS OF § 13.4.7 OF THE BASIC LAND USE ORDINANCE.

UNANIMOUS APPROVAL

MINUTES OF MAY 18, 2005

George Swallow noted a typographic error on page sixteen of the minutes.

JOANNE ROGERS MOVED, SECONDED BY DOROTHY CARRIER TO ACCEPT THE MINUTES AS AMENDED.

UNANIMOUS APPROVAL

OTHER BUSINESS

Jay Chace, Town Planner, informed the Planning Board that the elected position of Planning Board Secretary as required by the Planning Board Bylaws is currently open.

A secret ballot was held for the position.

Henry Korsiak was elected as Planning Board Secretary by unanimous vote.

The Planning Board held discussion on developing a reusable binder system for organizing application materials for Planning Board members.

There being no other business before the Planning Board, **JOHN PAPACOSMA MOVED, SECONDED BY DOROTHY CARRIER TO ADJOURN.**

**FOUR IN FAVOR (JOHN PAPACOSMA, JOANNE ROGERS, DOROTHY CARRIER, GEORGE SWALLOW)
ONE OPPOSED (HENRY KORSIAK)**

Meeting adjourned at 7:55 p.m.

Respectfully Submitted,

Marsha M. Hinton
Planning Assistant